IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

JEFFREY ALONZO SIMMS,)	
Petitioner,)	
v.)	Civil Action No. 05-593-SLR
THOMAS CARROLL,)	
Warden, and M. JANE BRADY, Attorney General)	
of the State of Delaware,)	
Respondents.)	
<u> </u>	•	

ORDER

WHEREAS, you have filed papers requesting federal habeas corpus relief pursuant to 28 U.S.C. § 2254 and requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915; and

WHEREAS, based on the information in your affidavit, your request to proceed <u>in forma pauperis</u> is granted; and

WHEREAS, the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), 28 U.S.C. § 2244, effectively precludes petitioners from filing a second or subsequent habeas petition except in the most unusual of circumstances; and

WHEREAS, the United States Court of Appeals for the Third Circuit has mandated that, before ruling on the merits of

your petition, you must be given notice that the AEDPA applies to your pending petition, see <u>United States v. Miller</u>, 197 F.3d 644 (3d Cir. 1999) and <u>Mason v. Meyers</u>, 208 F.3d 414 (3d Cir. 2000).

NOW, THEREFORE, IT IS ORDERED this 30m day of

October 11, 2005, that, on or before

October 11, 2005

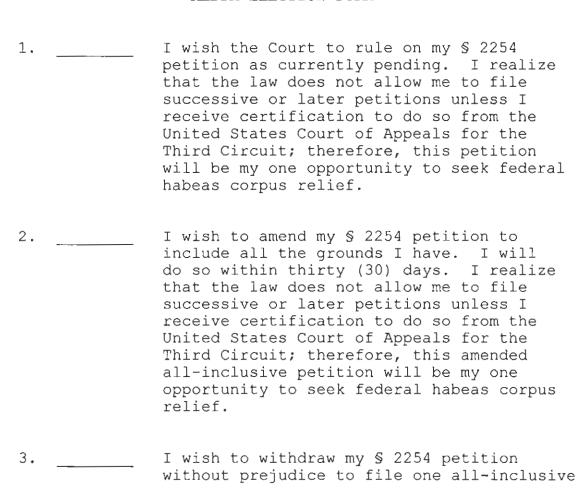
, you must file with the Court, the attached election form. Failure to timely return the completed election form will result in the Court's ruling on your pending petition as filed.

United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

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AEDPA ELECTION FORM



petition in the future; that is, one
that raises all the grounds I have for
federal habeas corpus relief. I realize
this all-inclusive petition must be filed
within the one-year period as defined by
28 U.S.C. § 2244(d). See Swartz v. Meyers,
204 F.3d 417 (3d Cir. 2000).

4.	I am not seeking federal habeas corpus							
	relief relief		§	2254.	Ι	am	instead	seeking
					-			

Petitioner